

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PETER KEYES JR.
40 Roosevelt Avenue
Northeast, MD 21901

Plaintiff

V.

LUIS CHAPARRO
3131 Little Sounds Drive
Orlando, FL 32827

And

**FALCON FREIGHT
LOGISTICS CORP.**
8440 Barnstable Place
Orlando, FL 32827

Defendants

CIVIL ACTION

NO.

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

I. PARTIES

1. Plaintiff, Peter Keyes Jr., is an adult individual residing at 40 Roosevelt Avenue, Northeast, MD 21901.

2. Defendant, Luis Chaparro, is an adult individual residing at 3131 Little Sounds Drive, Orlando, FL 32827.

3. Defendant, Falcon Freight Logistics Corp, is a corporation or other business entity existing, operating, and doing business under the laws of the State of Florida, which maintains its principal place of business at the above-captioned address.

II. JURISDICTION AND VENUE

4. The Court has jurisdiction over the lawsuit under 28 U.S.C. Section 1332 because Plaintiff and Defendants are deemed citizens of different states and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

5. Venue is proper in the United States District Court for the District of New Jersey, under 28 U.S.C. Section 1391, as Burlington County, NJ is the where the subject accident occurred.

III. FACTS

6. On or about February 17, 2016, Plaintiff was the operator of a flatbed truck which, while traveling on an exit ramp of the New Jersey Turnpike at exit 4N towards the James Cooper Service Area, in the Township of Mount Laurel, County of Burlington, State of New Jersey, was caused to strike the tractor trailer owned by Defendant, Falcon Freight Logistics Corp. and operated by Defendant, Luis Chaparro, that was illegally parked and partially obstructing a travel lane with no lights or other indicators illuminated, causing severe and extensive injury to Plaintiff, as is set forth more fully at length below.

7. At all relevant times hereto, Defendants acted by and through its agents, work persons, employees and/or servants then and there acting within the course and scope of their authority, duties and/or employment for Defendants.

8. This accident was caused solely from the negligence and carelessness of Defendant and was in no manner whatsoever due to any act of negligence on the part of Plaintiff.

COUNT I – NEGLIGENCE
PETER KEYES JR. v. LUIS CHAPARRO AND
FALCON FREIGHT LOGISTICS CORP.

9. Plaintiff, Peter Keyes Jr., hereby incorporates Paragraphs 1-8 as if same were set forth at length herein.

10. The negligence and carelessness of Defendants herein consisted of any and all of the following:

- (a) parking the vehicle in a no parking zone with no lights or other indicators illuminated;
- (b) partially obstructing a travel lane with no lights or other indicators illuminated;
- (c) failure to place flares and/or other indicators of the truck's location;
- (d) failure to warn motorists of the location of the truck;
- (e) failure to obey traffic signs or signals;
- (f) negligently entrusting the vehicle to an operator unable or unfit to operate same;
- (g) failure to properly operate said vehicle;
- (h) failure to remain in a single lane;
- (i) failure to be aware of other vehicles on the roadway;
- (j) failure to use all prudent and necessary care for vehicular travel under the circumstances;
- (k) violating applicable ordinances and codes for the State of New Jersey and such other statutes and case law governing the operation of motor vehicles on highways;
- (l) such other acts of negligence and carelessness as may be adduced through discovery or at trial.

11. Due to all foregoing, Plaintiff suffered severe, permanent, and disabling personal injuries to the bones, muscles, nerves, tendons, tissues, discs, and blood vessels of his body as well as severe emotional upset, any and all of which are or may be permanent and all of which caused him great physical pain and mental anguish, with respect to the following, including but not limited to: comminuted fracture of the midtibial shaft and fibular shaft requiring surgery and internal/external fixation, comminuted left iliac wing and acetabular fracture requiring open reduction and internal fixation, internal injuries of an unknown nature, severe aches, pains,

mental anxiety and anguish, severe shock to his entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent and substantial impairment of Plaintiff's bodily functioning that substantially impairs Plaintiff's ability to perform his daily life activities, and the full extent of which is not yet known.

12. As a further result of the said accident, Plaintiff has suffered severe pain, mental anguish, humiliation, and embarrassment, and he will continue to suffer same for an indefinite period of time in the future.

13. As a further result of the said accident, Plaintiff has and will probably in the future, be obliged to receive and undergo medical attention, which was or will be reasonable and necessary arising from the aforesaid accident and will otherwise incur various expenditures for the injuries he has suffered.

14. As a further result of the said accident, Plaintiff has incurred medical expenses that were reasonable, necessary, and causally related to the aforesaid accident as a result of the injuries he sustained in this accident.

15. As a further result of the said accident, Plaintiff has been unable to attend to his daily chores, duties, and occupations, and he will be unable to do so for an indefinite time in the future, all to his great financial detriment and loss.

16. As a further result of the said accident, Plaintiff has and will suffer severe loss of his earnings and/or impairment of his earning capacity.

WHEREFORE, Plaintiff, Peter Keyes Jr., demands judgment in his favor and against Defendants, Luis Chaparro and Falcon Freight Logistics Corp., for compensatory damages in a sum in excess of seventy-five thousand dollars (\$75,000.00) together with interest and costs of suit.

SCHATZ & STEINBERG, P.C.



DANA KLAYMAN WEITZ, ESQUIRE
801 N. Kings Highway
Cherry Hill, NJ 08034
Tel: (609)336-5600
Fax: (215)845-0255
Email: dweitz@thessfirm.com
Attorney for Plaintiff

Dated: 5/08/17

JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Peter Keyes, Jr.

DEFENDANTS

Luis Chaparro and Falcon Freight Logistics Corp.

(b) County of Residence of First Listed Plaintiff Cecil

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Orange

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

Dana Klayman Weitz, Esquire; Schatz & Steinberg, P.C.
801 North Kings Highway, Cherry Hill, NJ 08034
dweitz@thessfirm.com; (609)336-5600

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C.A. 1332 Diversity of Citizenship

Brief description of cause:
motor vehicle accident**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE